REMARKS/ARGUMENTS

Applicant would also like to acknowledge, with thanks, the Interview granted by the Examiner to the Applicant's representative, the undersigned, on May 8, 2006. A substance of the interview (MPEP 713.04) follows. No exhibits were shown nor demonstrations conducted. The Zhang reference (US 2002/0174335) was discussed. No other pertinent matters were discussed. Examiner suggested incorporating the elements of claims 27, 29 and 32 into the base claims to overcome the Zhang reference. Claims 1 and 21 have been amended accordingly and new claim 38 incorporates elements corresponding to the elements of claims 21, 27, 29 and 32.

I. Rejections under 35 U.S.C. § 101 and 35 U.S.C. § 112

Claims 1 and 21 stand rejected under 35 U.S.C. 101 because the claimed invention is not supported by a substantial asserted utility or a well established utility, specifically, the client was not specified as a user (human) or a client node (machine) and the predetermined expectation being too broad. The claims were likewise rejected under 35 U.S.C. § 112 along with claims 2, 5-21, and 25-35. Accordingly, claims 1 and 21 have been amended to overcome this rejection.

II. Rejections under 35 U.S.C. 102

Claims 1-2, 5-21 and 25-35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application 2002/017335 A1 to Zhang et al. (*hereinafter* Zhang). For reasons that will now be set forth, Zhang does not teach the subject matter of claims 1-2, 5-21 and 25-35.

Independent claims 1, 21 and 38 recite a method or system for detecting a rogue access point by a client node. A supplicant in the client node attempts to mutually authenticate with a first access point. If the first access point fails the mutual authentication, that is the response by the first access point does not meet predetermined expectations, the supplicant then associates with a second access point. The supplicant performs a mutual authentication with the second access point. Upon successful, mutual authentication, the supplicant then sends a message to the network reporting the first access point as a rogue access point. By contrast, Zhang is directed to a technique of using decentralized accounting by using mutual accounting wherein a mobile terminal (MT) user and the AP of the WLAN operator both report substantially the same traffic

usage history (paragraphs 91-92). The AP matches the traffic usage history for the MT (or verifies the traffic history is within a tolerable error margin). If there is a match, the MT is deemed verified. If there is no match, the AP (not the MT) terminates (blocks) the service. There is no teaching or suggestion in paragraphs 91-92 of Zhang (or anywhere else in Zhang) for reporting a rogue AP that could not be verified by the MT to the network. Therefore, Zhang does not teach every element of independent claims 1, 21 and 38 and thus does not anticipate claims 1, 21 and 38.

Claims 5-7, 9, 11, 12 and 14 depend directly from claim 1 and therefore contain each and ever element of claim 1. Claims 2, 4, 8, 10 and 13 have been canceled. Claims 25-26, 28, 30-31, 33, 34, 36 and 37 depend directly from claim 21 and therefore contain each and every element of claim 21. Claims 22, 24, 27, 29, 32 and 35 have been cancelled. Therefore, for the reasons just set forth for claims 1 and 21, claims 5-7, 9, 11, 12, 14 and claims 25-26, 28, 30-31, 33, 34, 36, 37 respectively are also not anticipated by Zhang.

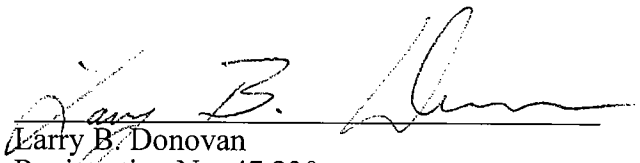
III. Conclusion

For the reasons just set forth, the claims as they currently stand are not anticipated by the cited prior art. If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0902, referencing our Docket No.72255/05451.

Respectfully submitted,

TUCKER ELLIS & WEST LLP

Date: July 3, 2006



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